



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/838,452

04/07/97

FARNWORTH

W. 91-62.17

STEPHEN A GRATTON
2764 SOUTH BAUN WAY
LAKEWOOD CO 80228

MMC1/0807

EXAMINER

KARLSEN, E

ART UNIT

PAPER NUMBER

2858

DATE MAILED:

08/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/838452	FARNWORTH ET AL
Examiner	Group Art Unit
E. KARLSEN	2858

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5-19-00
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 78-83, 87-96 is/are pending in the application.
- Of the above claim(s) 83, 89, 94, 95 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 78-82, 87, 88, 90-93, 96 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 2858

1. Claims 83, 89, 94 and 95 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species. Election was made **without** traverse in Paper No. 22.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 79-82, 87, 88, 90-93 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malhi et al '190 or Elder et al '850 in a first set in view of Nakano in a second set and Blonder et al or Bindra et al in a third set. The first set shows all the major elements of the claimed invention except for the specific contacts and a clamping mechanism producing a specific force range. The first set does have a clamping mechanism. The second set shows a contact of the type claimed except it has a single raised portion instead of plural raised portions. The third set shows the use of contacts with plural raised portions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have adapted the contact structure of the second set modified to have plural raised portions in accord with the third set to the apparatus of the first set because one of ordinary skill in the art would realize that so doing would result in better contact being made. The force ranges claimed are considered obvious to one skilled in the art and would be scaled appropriately for that being tested. Applicants'

Art Unit: 2858

arguments that Nakano has no clamping mechanism are contested by the Examiner. No drawing exists in Nakano showing a clamping mechanism, but Nakano indicates that the probe of Figure 2a "buts up against pad 25" and "deep scoring of pad 25 by probe contact 22 is prevented". (See page 5, lines 17 plus of Nakano et al.) Something has to force the probe against that being tested. It might be a weight, a press or a clamp. All would seem equivalent and obvious to one skilled in the art. Note that the first set uses clamps. Both Blonder et al and Bindra et al must use something akin to a clamp to hold the parts together.

4. Claims 78-82, 87, 88, 90-93 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano in a first set in view of Blonder et al or Bindra et al in a second set.

The references were all discussed above. Note Figure 4 of the first set where a plate 40 bears a substrate 10. The plate 40 has external contacts 41. Lines 3 and 4 of page 2 of the first set state that wafers or chips may be tested. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adapted raised portion features of the contacts of the second set to the apparatus of the first set because one skilled in the art would realize that such would enable better contact. One skilled in the art would realize that the chip and the test probe would have to be held together somehow, as by a clamp mechanism. One skilled in the art would apply a force sufficient to make good contact and not so great as to destroy that being tested. Applicants' claimed ranges fall within that category.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2858

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Karlsen/dc
July 28, 2000


ERNEST KARLSEN
PRIMARY EXAMINER